

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of*

KATHERINE A. HAYDEN, R.Ph.

LICENSE NO. 1-09507

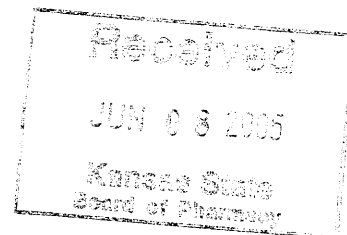
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File No. 05-27



**EMERGENCY AGENCY ORDER**

Katherine A. Hayden (the "Respondent") is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued her License No. 1-09507.

The following matters have come to the attention of the Board's Investigation Member:

A. The Respondent has admitted to a Board Investigator that on multiple occasions she has give controlled substances to individuals who did not have a prescription for the drugs.

B. The Respondent has admitted to a Board Investigator that when she has give controlled substances to individuals who did not have a prescription for the drugs she was aware that conduct was prohibited by applicable laws.

C. The Respondent, when asked by the Board Investigator why she has give controlled substances to individuals who did not have a prescription for the drugs, had no explanation.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

## **I. FINDINGS OF FACT**

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-09507, which entitled her to practice pharmacy in the State of Kansas ("Respondent's License").
2. On multiple occasions the Respondent has give controlled substances to individuals who did not have a prescription for the drugs.
3. The Respondent has admitted she knew her actions were illegal and could not offer any rational explanation for her conduct. Therefore, the Respondent is likely to repeat this conduct in the future.
4. Providing controlled substances to an individual who do not have a prescription for the drug poses a serious health risk to that individual and other individuals who may come into possession of the drugs.

## **II. CONCLUSIONS OF LAW AND FACT**

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.
2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627 (3), (5) and (6).

### III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Room 513  
Topeka, KS 66612

IT IS SO ORDERED.

6-7-05  
Date

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FRANK WHITCHURCH, R.Ph.,  
Investigation Member  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 8 day of June, 2005, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Katherine A. Hayden  
446 Feedlot Rd.  
Ellis, KS 67637

and

Katherine A. Hayden  
2011 Vine  
Hays, KS 67601

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Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy